PUBLIC PROSECUTOR

v.

OOI ENG HOE

HIGH COURT, PENANG
TUAN VINCENT NG KIM KHOAY JC
[CRIMINAL TRIAL NO. 47-57-89]
28 OCTOBER 1993

DANGEROUS DRUGS: Charge of trafficking in heroin - Submission of no case to answer - Whether prosecution had shown a prima facie case - Drugs allegedly found in accused's room - Whether accused had discharged the presumptions raised against him under s. 37(b)(d)(da) & (g) of the Dangerous Drugs Act 1950.

EVIDENCE: Failure to put cross-examiner's case in a positive and assertive manner to the witness being cross-examined - Effect.

The accused was prosecuted on a charge of trafficking in 167.1 grams of heroin, contrary to s. 39B (1)(a) of the Dangerous Drugs Act 1950. The case for the prosecution was that the police, acting on information received, raided a dwelling house and recovered the drugs from a cupboard in the room being occupied by the accused.

The Court was called upon to decide firstly, whether the prosecution had established a *prima facie* case against the accused and secondly, whether the offence against the accused had been proved beyond reasonable doubt.

Held:

[1] It was untenable and unreasonable for the Court to hold that the Chemist, in defining the heroin immediately following his evidence on the traces of heroin found in the spoon and the weighing scale, did not necessarily refer to the 'heroin' he found in the bulk of the drugs seized. As the Chemist had said that heroin is listed in the First Schedule of the Dangerous Drugs Act 1952 (the Act), it matters not a whit at what juncture in his evidence he gave this definition.

[2] The operative phrase in s. 37(b) of the Act, '...if he has or appears to have, ...' was wide enough to attract the presumptions against the accused in view of the evidence being led that the accused's personal items were found in the said room in which, according to the prosecution, the accused was found alone with the offending exhibits therein at the time of the raid.

[3] In the circumstances, the prosecution had succeeded in raising a *prima facie* case against the accused which attracted the presumptions under s. 37(b),(d),(da) and (g) of the Act.

[4] Given the fact that this was a case where the police were acting on a tip-off, and the further fact that it was a family home where it would have been unreasonable for the accused who had the use of one of the rooms, to preclude access to his room by other members of his family including his brothers, the *onus* was not on the defence to prove probability of access to the said room by other members of the family, but on the prosecution to exclude such access, which they had failed to do.

[5] It is elementary that where a proved or admitted fact is equally open to two inferences, that in favour of the accused should be adopted. In the circumstances it would be wrong to infer from the fact that because the accused was alloted by his parents occupany of the room where the offending drug exhibits were found during the search, he must have been in possession or control of the offending exhibits, since other inferences in his favour could also be drawn bearing in mind that the said room was accessible to other members of the family.

[6] During the cross-examination of the accused, he was not challenged on his evidence that he had a friend (Lau Pi) who had often passed the night with him in his room. Though this question was put to the defence witness DW1, it is even more essential that the accused himself should also be directly and unequivocally challenged on this score, and merely to suggest to the accused that he should know more about Lau Pi was insufficient.

[7] There is a clear obligation by Counsel and Prosecutor to put, in an assertive and positive manner, their case to the accused and witnesses being cross-examined, in order to avoid very serious consequences for the cross-examining party on such omissions on material evidence.

[8] The evidence of the prosecution was at most based upon strong suspicion and guesswork and got nowhere near to establishing the essential ingredients of the offence charged, bearing in mind that the proverbial cap fitted not just the head of the accused but also the other members of the family who were co-occupants sleeping in the said premises at the time of the police raid.

[9] The accused's defence was not just that of a mere denial, which is insufficient to

reasonably dislodge the prosecution evidence, but had on the balance of probability discharged all the presumptions raised by the prosecution at the end of the prosecution case.

[Accused acquitted and discharged].

Cases referred to:
Abdullah Zawawi bin Yusoff v. Public Prosecutor [1993] 3 CLJ 1 / [1933] 3 MLJ 1 ***(refd)***
Hasibullah bin Mohd Ghazali v. Public Prosecutor [1993] 4 CLJ 535 / [1993] 2 AMR 43, 3117 ***(refd)***
Chua Beow Huat v. PP [1970] 2 MLJ 29 ***(refd)***
Browne v. Dunn [1893] 6 R. 67 ***(refd)***
Wong Swee Chin v. PP [1981] 1 MLJ 212 ***(refd)***
R v. Hart 23 Cr. App. R. 202 ***(refd)***
D.A. Duncan v. PP [1980] 2 MLJ 195 FC ***(refd)***
PP v. Ling Tee Huah [1982] 2 MLJ 324 ***(refd)***

Legislation referred to:
Dangerous Drugs Act 1952, ss. 2, 37 (b), (d), (da) & (g), 39B(1)(a), (2)

Other sources referred to:
Cross on Evidence, 2nd New Zealand Edn. [1971]

For the accused - Karpal Singh; M/s. Karpal Singh & Co.
For the public prosecutor - Shahidani bin Abd. Aziz, DPP

JUDGMENT

Vincent Ng Kim Khoay JC:
The accused was prosecuted on the following charge:

> Bahawa kamu pada 2 Ogos 1989 pada jam lebih kurang 1.50 pagi di rumah No.1584, Jalan Bagan Lallang, di dalam Negeri Pulau Pinang, bagi pihak kamu sendiri telah mengedar dadah merbahaya iaitu 167.1 gram heroin yang bertentangan dengan seksyen 39B(1)(a) Akta Dadah Berbahaya 1952 (Semakan 1980) dan dengan itu kamu telah melakukan satu kesalahan yang boleh dihukum di bawah seksyen 39B (2) Akta yang sama.

According to the evidence led by the prosecution, acting on information received, a team of four police personnel from the Drug Enforcement Unit led by ASP Wan Rashid Haji Wan Zain (PW2) raided a double storey dwelling house known as No. 1584, Jalan Bagan Lallang, Daerah Butterworth, Pulau Pinang (the premises) on 2 August at about 1.30 a.m.

On arrival they found that the premises was fenced-up and the front iron fence-gate was locked. They entered into the compound of the premises by climbing this fence-gate. PW2 then knocked at the front door of the premises and an elderly Chinese man named Ooi Ban Seng (DW1) opened the door to let them in. After he identified himself as a police officer, PW2 then asked DW1 to show them the room where his son Ooi Eng Hoe (accused) sleeps.

DW1 then took PW2, D/Constable Abu Bakar bin Murad (PW3) and D/Const. Fauzi bin Razali upstairs and pointed to the accused's room saying that it was Ah Hoe's room (the said room). Then PW1 knocked at the room door and as soon as he entered he saw the accused in the said room. Again, after he had identified himself as a police officer he searched the said room in the presence of the accused and found in a small cupboard at its bottom shelf, a black tin (with lid) cylindrical in shape (P3A).

When PW2 opened P3A he found:

(i) a large plastic packet (P3B) containing a granular substance which was then suspected to bear heroin and
(ii) a white cylindrical container P3C (closed with lid) containing 28 small plastic packets of granular substance then suspected to bear heroin (P3D (i) to (xxviii)).

In the cupboard, PW2 also found a weighing scale (P4A) and an aluminium spoon (P5A) and on top of this cupboard he found the key to the said room (P7) and the accused's NRIC (P6). He then instructed D/Const. Fauzi to handcuff the accused and he searched another room upstairs, where clothes were kept and did not find any incriminating evidence therein. Following this, he instructed DW1 to assemble all the occupants of the said premises upstairs and noted that there were 6 of them so assembled. He could not remember their names or identify them. As a result, he lodged the Butterworth Police Station Report No. 4525/89 (P8) as soon as he arrived at the police station.

The evidence of PW2 was corroborated by PW3 in material particulars.

The Government Chemist Tai Teik Siew (PW1) testified that he analysed P3B, P3D (i) to (x) and P3D (xi) to (xxviii) and found them to contain 115.5 grams, a total of 31.2 grams and total of 20.4 grams of heroin. He also examined P4A and P5A and found each of them to bear traces of heroin. He said heroin is listed in the First Schedule of the Dangerous Drugs Act 1952 (the Act).

DSP Abdul Rahman bin Hussin (PW5) who was the investigating officer in the case, said that on 14 August 1989 at about 2.40 p.m. he made a second trip to the said premises to search the premises again and found in a drawer below the said small cupboard in the said room, a white video tape box (P11) containing the following personal items of the accused:

(i) his Paspot Terhad Malaysia (P12);
(ii) 4 photos of him (P13A to D) and;
(iii) 4 of his personal letters (P14A to D).

At the close of case for the prosecution, Counsel Karpal Singh submitted that the defence should not be called, based on two separate grounds; to wit:

(1) When PW1 said heroin is listed in the First Schedule of the Act it was in relation to the traces found in P4A and P5A and not in relation to the bulk of the drugs in P3B and P3D (i) to (xxviii).
(2) There was lack of evidence in the prosecution case to lay the basis for the presumptions under s. 37 (b), (d), (da) and (g) of the Act as ownership of the said premises or occupancy of the said room by others who were there were not established even on a *prima facie* basis. It was further submitted that even if the accused was found in the said room it raises no presumption of 'care or management of such premises' - he may have been merely a transient occupier. Counsel however conceded that if P12, P13 and P14 were found in the said room then it would show care or management but this piece of evidence is suspect as the photographs tendered in evidence did not show that the said cupboard had a drawer below it and P12, P14A to D and P13A to D were found in P11 only on 14 August 1989 by the investigating officer twelve days after the raid and only on his second visit there.

The first ground essentially concerns linguistics. PW1 was only defining the word 'heroin' that he had used in his evidence. As he had said 'heroin is listed in the First Schedule of the Act', it matters not a whit - not a jot - at what juncture in his evidence, he gave this definition. It is thus untenable and unreasonable for the Court to hold that the 'heroin' he referred to immediately following his evidence on the traces of heroin found in the spoon and the weighing scale, does not necessarily refer to the 'heroin' he found in the said bulk of the drugs seized.

In regard to the second ground, s. 37 (b) of the Act states as follows 'a person, until the contrary is proved, shall be deemed to be the occupier of any premises, if he has or appears to have, the care or management of such premises.' And s. 2 of the Act defines 'premises' to include 'any house, shop, store, room, cubicle, shed, conveyance or any place whether open or enclosed.' The operative phrase in s. 37(b), '... if he has or **appears** to have, ...' is wide enough to attract the said presumptions against the accused in view of the evidence being led that P12, P13A to D and P6 (his personal items) were found in the said room in which, according to the prosecution he was also found alone, with the offending exhibits therein, at the time of the raid. (Emphasis supplied.)

In the event, the Court held that the prosecution had succeeded in raising a *prima facie* case against the accused which attracted the presumptions under s. 37 (b), (d), (da) and (g) of the Act and called the accused to enter upon his defence.

The accused elected to give evidence on oath and called his father Ooi Ban Seng (DW1) as his only witness.

As every material piece of the defence evidence would be dealt with later in detail, in the course of my judgment, I do not propose at this juncture to repeat them.

Since there was no serious challenge by the defence on either the analysis or identity of the drug exhibits P3B (i) and P3D (i) to (xxviii) and the Court having, upon the evidence of the raid led by the prosecution, called the accused to enter upon his defence, the only vital and imperative issue to be decided by this Court is whether the accused had discharged, on the balance of probability, the said presumptions raised against him in respect of the said drug exhibits, which were allegedly found in his said room in the said premises.

My decision here primarily turns on facts as they are applied to decided cases.

After a careful study of the evidence led by the prosecution and the evidence of the defence the Court finds the following factual platform common to both the prosecution and the defence by reason of their respective admissions or their failure to seriously challenge the particular adverse evidence.

(a) On 2 August 1989 between 1.30 a.m. and 1.50 a.m., and acting on information received, PW2 led a team of three other police officers including PW3 to raid the said premises.

(b) The said room in the said premises where the drugs were allegedly found was solely occupied by the accused and there was a small cupboard placed therein.

(c) The small cupboard in which the offending exhibits were allegedly found had neither a lock nor carried any locking facilities and could easily be opened.

(d) The bed in the said room was a double bed as shown in photos P9E and F.

(e) The said premises was a double storey premises and a family home, owned by the father of the accused DW1 (offered to the defence) who was at the time of the raid staying with his wife Ong Kim Heoh (who was also offered to the defence) and their five other children (besides the accused) ranging from 13 years old to 28 years old, of whom only one was a female. Of the five other children, only one of them Encik Ooi Eng Wah was offered to the defence. Indeed PW2 said that after he had found the offending exhibits in the said cupboard and had searched another room where clothes were kept he instructed DW1 to call out all the occupants of the said premises and could remember there were six occupants who were martialled at the top floor of the said premises. He could not however recall their names or identify them.

(f) There were six rooms in the said premises; with two rooms downstairs and four rooms upstairs. DW1 and his wife occupied a room at the ground floor and all their children occupied three of the four rooms upstairs with the accused himself occupying one of these three rooms, namely the said room.

(g) The black tin with lid (P3A) was found in the said room, although precisely where it was found and whether it contained any offending exhibits when found, was hotly disputed and challenged by the defence.

(h) The lid to the black tin (P3A) had a slot hole cut through it similar to the opening in a slot-machine for the reception of coins.

(i) A flat key (P7) was the key to the said room.

(j) DSP Abdul Rahman bin Hussin (PW5), the investigating officer (during a second search on 14 August 1989) found in a 'drawer' below the said cupboard in the said room, a white video-tape box (P11) containing the accused's passport (P12), 4 photos of the accused (P13A to D) and the accused's letters (P14A to D).

(k) The lock to the said room was round configuration as shown in P9E, which used a flat key (P7). It would appear from P9E that this door could be automatically locked from the inside by pressing a button in the centre of the lock and shutting the door.

The evidence which were strenuously contested are as follows:

(a) PW2 (corroborated by PW3) said that P3A was found at the bottom shelf of the said cupboard in the said room. In P3A he found P3B, P3C and P3D (i) to (xxviii).

Whereas, the accused testified that the black tin P3A was found by PW2 inside his said room on the floor beside the room door. P3A was meant for him to keep coins and same was empty when found by the raiding officers. He used to see P3C downstairs. He was shown P3B outside the said room by one of the raiding officers. DW1 also said that after the raiding officers had searched the unoccupied room he saw one of them holding a packet that looked similar to P3B in his hands. The accused said that he had never seen P3D (i) to (xxviii); and P3B, P3D (i) to (xxviii) and P4A did not belong to him.

(b) PW2 (corroborated by PW3) said that he found the key to the said room (P7) lying on the top of the said cupboard. Whereas the accused testified that the said room is not always locked and even if locked, P7 was habitually hung at a nail on the wall outside the said room and not kept in the said room. This was to facilitate the other occupants of the said premises to enter the said room. This piece of evidence was corroborated by DW1

(c) PW2 said that he knocked at the door of the said premises and DW1 opened the door. After he had entered and while he identified himself as a police officer to DW1 he saw a young male Chinese (identified by PW3 as the accused) ascending the stairs towards the top floor of the premises. He then requested DW1 to show him the room in which Ooi Eng Hoe (the accused) stayed

and he was taken upstairs to the said room, the accused opened the door from inside; and he was then alone therein.

Whereas, the accused said that when the accused heard a metallic noise caused by the shaking of the front metal gate of the said premises he got down to awaken DW1. He then heard some knocking at the front door of the said premises and heard someone uttered 'polis'. When DW1 opened the door to allow entry to the raiding officers, the accused was standing there beside DW1. The accused said it was he who then took the raiding officers upstairs to inspect the said room by opening the room with P7 which was hanging at the wall near the door outside the said room. This piece of evidence was also corroborated by DW1.

(d) The accused said that a friend known to him as Lau Pi, who he had first met in Singapore in 1984 while he was working with him as a co-wireman, used to call on him at the said premises and had often passed the night with him in the said room. DW1 also gave similar evidence on this score. The accused further testified that Lau Pi would come to his house even when he was not in and Lau Pi also knew that the key P7 was normally hung at the wall outside the door to the said room. They used to treat each other to food and drinks.

DW1 was challenged by the TPR, in cross-examination, as to the existence of the character named Lau Pi. However, there was no similar challenge when the accused was cross-examined. The questions posed to the accused were only suggestive that he should be privy to further and better particulars of a man who he allowed to stay in his room; his answer was that Lau Pi was a friend but not a very close friend of his. The question that Lau Pi was a fictious character was however not put to him.

The two issues which the Court would have to decide are:

(i) whether the offending exhibits were found in the said room and,
(ii) if the offending drug exhibits were found in the said room, then whether the accused had exclusive care and management of the said room so as to attach the element of custody and control of the drugs on him and also that he had knowledge of the drugs.

In short, whether the said room was easily accessible to other members of the family and to the character named Lau Pi (if he existed).

(i) On the First Issue:

This Court is more inclined to believe the defence story as stated by the accused and DW1 that the offending exhibits were not found in the said room but in another room not occupied by him. After careful consideration of the totality of evidence including the evidence of PW2 and PW3 who had also said that after they had entered the said premises and had identified themselves as police officers they saw the accused going upstairs and soon thereafter they found the accused inside the said room. Such conduct by the accused in proceeding upstairs, entering into his room and shutting the door after seeing the police officers, while being then aware (if at all he was aware) that was where he kept the drug exhibits, is highly incredible. What is more probable is that the accused was downstairs standing with his father, DW1, when the raiding officers entered the premises and he himself took them upstairs to inspect his room. In view of the fact that the lid on P3A bore a slot hole cut through it, similar to the opening in a slot machine for the reception of coins, it is not improbable that the accused kept P3A for keeping coins; and same was found by the raiding officers on the floor of his room beside the door and without any contents. It is also noteworthy that photo P9 I and J taken immediately after the raid does not show the presence of P3A but rather shows that there was surfeit of many other miscellaneous items on the bottom shelf of the cupboard, (where P3A was allegedly found), thus apparently leaving insufficient space to accommodate P3A as well; there being no evidence led by the prosecution to show that P3A was found stacked with the other things shown in P9 I and J.

(ii) On the Second Issue:

It is common ground that the raid was carried out in the premises which was a family home where DW1 was staying with his wife and their six children comprising one female and 5 males ranging from ages 13 to 28. Considering that the accused was unmarried and staying in his family home it is reasonable and probable that he may have, as he said, kept the key (P7) hanging at the wall outside the room door, to allow for access by other members of his family to his

room. And as it would appear that he could lock the door from inside without using P7, by merely pressing the button in the centre of the round knob-like lock, it cannot be true that P7 was found inside his room. In any event, no evidence was led to show that the door did not also have a latch on its inside as is commonly found in rooms in family homes, for the maintenance of privacy. Given the fact that this was a case where the police were acting on a tip-off, undoubtedly by an informer who may have been a paid informer and the further fact that it was a family home where it would have been unreasonable for a member of the family, namely the accused who had the use of one of the rooms, to preclude access to his room by other members of the family including his brothers - indeed the evidence of PW2 showed that at least six of them were there at the time of the raid - the *onus* is not on the defence to prove probability of access to the said room by other members of the family but on the prosecution to exclude such access. See *Abdullah Zawawi bin Yusoff v. Public Prosecutor* [1933] 3 MLJ 1. No evidence was led or particulars given of the six persons whom PW2 said were called upstairs on the night of the raid. Probably, most of the six persons martialled upstairs were the adult male children of DW1. The Court was not enlightened and indeed was left to presume that Ooi Eng Wah was one of the sons of the accused as he was offered to the defence (besides DW1 and his wife Ong Kim Heoh). None of the other siblings of the accused were named or offered to the defence.

Furthermore, it would be wrong to infer from the fact that because the accused was alloted by his parents to occupy the room where the offending drug exhibits were allegedly found during the search, he must have been in possession or control of the offending exhibits if same were found therein, since other inferences in his favour could also be drawn if there is clearly a doubt as to accessibility to his room by others; in this case there was more than a doubt. See *Hasibullah bin Mohd. Ghazali v. Public Prosecutor* [1993] 2 AMR 43 p. 3117. It is elementary that where a proved or admitted fact is equally open to two inferences, that in favour of the accused should be adopted. The evidence of the prosecution is at most based upon strong suspicion and guesswork and got nowhere near to establishing the essential ingredients of the offence charged, bearing in mind that the proverbial cap fitted not just the head of the accused but the other members of DW1's family who were co-occupants sleeping in the said premises at the time of the police raid.

On the question of accessibility of the said room, it was also the accused's case that he had a friend known to him as Lau Pi whom he met in Singapore while he was working with the former as a co-wireman. According to him, Lau Pi used to visit him in his premises and also in his room and had often passed the night with him in his room. He maintained that Lau Pi was aware of the fact that he used to hang P7 at the wall outside the said room. When the accused was cross-examined he was not challenged as to Lau Pi being a *non persona*.

It is trite law that not only should such questions be put to the defence witnesses in respect of this vital factor but all the more so it should be put to the accused himself. There is a clear obligation by Counsel and Prosecutor to put, in an assertive and a positive manner, their case to the accused and witnesses being cross-examined, in order to avoid very serious consequences for the cross-examining party on such omissions on material evidence. See *Chua Beow Huat v. PP* [1970] 2 MLJ 29, *Browne v. Dunn* [1893] 6 R.67, *Wong Swee Chin v. PP* [1981] 1 MLJ 2R, **Cross on Evidence,** 2nd New Zealand Edn. [1971] and *R v. Hart* 23 Cr. App. R. 202. Though this question was put to the defence witness DW1 by the learned DPP it is even more essential that the accused himself should also be directly and unequivocally challenged on this score and merely to suggest to the accused that he should know more about Lau Pi is insufficient.

This Court holds that even though it is not entirely persuaded that the accused had a friend called Lau Pi who had access to his room, yet it could not, upon the evidence, rule out the probability that such a character may have existed, as the accused had said that he met him in Singapore when both were working there as wireman and the bed in the said room was a double bed which could accommodate two persons. This piece of evidence ought also to be considered in the light of the aforesaid infirmity as regards the lack of challenge on the question of whether Lau Pi existed.

Be that as it may, even assuming that Lau Pi was wholly a character of convenience and a

saviour of design concocted by the accused and the offending exhibits were in fact found in his said room, yet it would still leave in the Court's mind serious doubts as to whether the accused had possession and control of the offending exhibits, bearing in mind that the said room was accessible to other members of the family. I am also not persuaded that the prosecution had succeeded in dislodging the evidence of the accused and DW1 that the key (P7) was at all material times hung outside the door and that the said room was accessible to other members of the family including at least four other male siblings of the accused. As the cupboard in which the offending exhibits were allegedly found had no lock, this cupboard was also accessible. To illustrate, if, e.g. the cupboard was locked and the keys to this cupboard was found on the person of the accused, such evidence could be damning on the accused.

Furthermore, even if the character named Lau Pi ought to be discounted, the defence could be regarded as having - besides taking advantage of the infirmities in the prosecution case in regard to accessibility to the room by other members of his family - gone further and have sought to show that there was also access by this Lau Pi, which they are not in law obliged to do.

To summarise, the accused's defence is not that of a mere denial which is insufficient to reasonably dislodge the prosecution evidence. (See *D.A. Duncan v. PP* [1980] 2 MLJ 195 FC and *PP v. Ling Tee Huah* [1982] 2 MLJ 324).

For the above reasons I hold that the accused has on the balance of probability discharged all the presumptions raised by the prosecution at the end of the prosecution case and I therefore acquit and discharge the accused.

In postlude, I must observe that it is to the learned DPP's credit that he had conducted this case fairly and competently despite the aforesaid infirmities, considering the material that he had before him.

PUBLIC PROSECUTOR

v.

ZAINAL ABIDIN BIN MAT SHARIF

HIGH COURT, TAIPING
DATO' HAJI ABDUL MALIK BIN HAJI ISHAK JC
[CRIMINAL TRIAL NO. 58-9-92]
31 DECEMBER 1993

DANGEROUS DRUGS: Trafficking in dangerous drugs, to wit "ganja" under s. 39B(1)(a) Dangerous Drugs Act 1952 - Defence case - Whether on balance of probabilities accused has rebutted two presumptions - Defence to cast a reasonable doubt in prosecution case.

In this case, the accused was charged for an offence under s. 39B(1)(a) of the Dangerous Drugs Act 1952 for trafficking in dangerous drugs, to wit, "ganja" on 9 February 1991. At the end of the prosecution case, the Court on 6 February 1993 acquitted and discharged the accused without calling for his defence [1993] 2 CLJ 625. On appeal by the learned DPP to the Supreme Court against the acquittal, the Supreme Court on 1 November 1993 ordered the defence of the accused to be called. On 31 December 1993 after hearing the defence case, the Court acquitted and discharged the accused.

Held:

[1] On the facts, the accused has, on the balance of probabilities rebutted the presumptions, thus casting a reasonable doubt in the prosecution's case.

[2] The accused was acquitted and discharged.

[Accused acquitted and discharged].

Cases referred to:
Public Prosecutor v. Mansor bin Md. Rashid & 2 Ors. [1993] 4 CLJ 266 ***(refd)***
Mohamad Radhi v. PP [1992] 2 SCR 145 ***(cit)***
Wong Swee Chin v. Public Prosecutor [1981] 1 MLJ 212 FC ***(cit)***
Public Prosecutor v. Lin Lian Chen [1992] 1 AMR 46 ***(cit)***

Legislation referred to:
Dangerous Drugs Act 1952, s. 37(d), (da)(vi)

For the public prosecutor - Murtazadi Amran, DPP
For the accused - Gurbachan Singh (Manjit Singh with him); M/s. Bachan & Kartar